



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

January 19, 2010

REQUEST TO BE FILED UNDER SEAL

BY HAND

The Honorable George B. Daniels  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: First Periodic Report Pursuant to January 7, 2010  
Order Authorizing Interception of Wire  
Communications Over Cellular Telephones

Dear Judge Daniels:

This periodic report is submitted pursuant to the Order signed by the Court on January 7, 2010 (the "January 7 Order") authorizing the interception of wire communications of MANUEL GEOVANNY RODRIGUEZ, a/k/a "Shorty," a/k/a "Manny," over one cellular telephone bearing assigned number 646-964-3580, International Mobile Subscriber Identification ("IMSI") 316010160550888, and Urban Fleet Mobile Identification ("UFMI") 176\*745\*7216 and subscribed in the name of "Prepaid Prepaid," at "PO Box 55026, Irvine, CA 92619," and with service provided by SPRINT/NEXTEL (the "TARGET CELLPHONE"), and any telephone numbers subsequently assigned to or accessed by or through the same IMSI or UFMI as the TARGET CELLPHONE, or assigned to the instrument bearing the same IMSI or UFMI as the TARGET CELLPHONE, as well as any IMSI subsequently assigned to the instrument bearing the same telephone number assigned to the TARGET CELLPHONE, and any other telephones accessed by instruments bearing that IMSI or UFMI. This report encompasses activity on the TARGET CELLPHONE from on or about January 7, 2010 through and including approximately on or about January 17, 2010.

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The January 7 Order constituted the first authorization to intercept wire communications over the TARGET CELLPHONE. Interception over the TARGET CELLPHONE pursuant to the Order began on or about January 7, 2010, and has continued to the present.

Prior to commencement of interception over the TARGET CELLPHONE, at the time of the initial authorization, Assistant United States Attorney Daniel Chung spoke with several agents of Immigration and Customs Enforcement ("ICE") and translators responsible for interception of conversations over the TARGET CELLPHONES to provide them minimization instructions relating to interceptions of conversations over the TARGET CELLPHONES. In addition, written minimization instructions were posted in ICE's plant, and we have been advised that each agent and translator who has worked on intercepting calls over the TARGET CELLPHONES has signed an acknowledgment form to verify that he or she has read the minimization instructions.

#### Overview and Summary of TARGET CELLPHONE Calls

This letter covers activity occurring over TARGET CELLPHONE from on or about January 7, 2010, through and including on or about January 17, 2010 (the "Covered Period"). For the Court's information, based on information provided to me by ICE agents, I have prepared and set forth below a statistical summary of the activity over the TARGET CELLPHONE from January 7, 2010, until January 17, 2010, for telephone communications and Point-to-Point communications:

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TARGET CELLPHONE Phone Communications

Date	Total Intercepted Calls <sup>1</sup>	No. of Calls Flagged as Pertinent <sup>2</sup>	Minimized Calls <sup>3</sup>
1/7/2010-1/13/2010	334	97	0

TARGET CELLPHONE Point-To-Point Communications

Date	Total Intercepted Calls	No. of Calls Flagged as Pertinent	Minimized Calls
1/7/2010-1/13/2010	202	57	0

The intercepted telephone and point-to-point conversations have included the following:

On or about January 7, 2010, at approximately 10:13 p.m., MANUEL GEOVANNY RODRIGUEZ, a/k/a "Shorty," a/k/a "Manny," ("RODRIGUEZ") placed a telephone call to another unidentified male ("UM-2"). In that call, RODRIGUEZ asked UM-2, "Listen you didn't stock a lot? I wanted to let you know that God willing by Monday everything will be heavy, heavy, heavy brother . . . because I just checked it out myself." RODRIGUEZ continued, "I'm on the other side and it's heavy, heavy so you didn't stock on it?" UM-2 responded, "All right, all right I'm going to be waiting . . . you let me know when it is ready." Based on his training and experience, an ICE agent believes that during this

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<sup>1</sup> The term "intercepted calls" includes, for purposes of this report, all incomplete calls (*i.e.*, unanswered calls, busy signals, mis-dialed calls, and instances where the caller simply takes the telephone off the hook and then hangs up without dialing), as well as completed calls, and it includes calls made at times when monitoring was not occurring, such as during certain portions of the night.

<sup>2</sup> This column identifies the number of interceptions that, from the content of the conversation, the agents have preliminarily designated as relevant to the ongoing investigation as authorized by the Court. Because these designations are preliminary, however, later investigation may cause the agents to change their interpretations as to whether the calls are relevant, and thus, the Government reserves the right to reconsider these designations at a later date.

<sup>3</sup> "Minimized Calls" means actual conversations in which minimization occurred.

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conversation, RODRIGUEZ asked UM-2 whether UM-2 was purchasing drugs from other sources, informed UM-2 that he was in Florida ("the other side"), and was assuring UM-2 that he would obtain a large quantity of drugs "by Monday," or January 11, 2010.<sup>4</sup>

On or about January 8, 2010, at approximately 12:44 p.m., RODRIGUEZ called another unidentified male ("UM-3"). In that call, RODRIGUEZ stated, "You listen, I will have what you want to see, brother. For a venom, a venom, for Monday, brother." UM-3 responded, "Oh, alright, then we will be good for that day." Based on his training and experience, an ICE agent believes that during this call, RODRIGUEZ told UM-3 that he had a shipment of drugs arriving "for Monday," or January 11, 2010.

On or about January 9, 2010, at approximately 2:59 p.m., RODRIGUEZ received a call from another unidentified male ("UM-4"). In that call, RODRIGUEZ stated, "I'll be good, very good the day after tomorrow." UM-4 stated, "Yeah, the thing is that I've been on that for a couple of days already. I'll call you later." RODRIGUEZ responded, "No, don't get involved in anything else, brother." Based on his training and experience, an ICE agent believes that during this call, RODRIGUEZ told UM-4 that he had a shipment of drugs arriving on Monday, January 11, 2010, and told UM-3 not to purchase drugs from other sources.

On or about January 10, 2010, at approximately 4:24 p.m., RODRIGUEZ called another unidentified male ("UM-5"). During this call, in sum and substance, RODRIGUEZ informed UM-5, that he had arrived in New York City from Miami, Florida.

Based on the intercepted calls described above, ICE agents conducted surveillance of RODRIGUEZ on January 11, 2010. At approximately 1:45 p.m. on that date, the agents observed RODRIGUEZ meeting with an unidentified male ("UM-6") in the vicinity of Seaman Avenue and 204th Street in New York, New York. At approximately 1:50 p.m., RODRIGUEZ, using the TARGET CELLPHONE, called another unidentified male ("UM-7"). In that call, RODRIGUEZ stated, "The car just started moving, right after I moved mine. I am going to entertain myself by playing cat chasing the mouse." At approximately 2:22 p.m., RODRIGUEZ, in another intercepted call with another unidentified male ("UM-8"), stated, "I had them behind me earlier . . . for like 5 blocks two vehicles that is why I didn't show up earlier. I don't know what these faggots want with me but they were there . . . I don't know if it was a coincidence or what but they were open not hiding but out in the open behind me." Based on his training and

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<sup>4</sup> During another intercepted call on or about January 8, 2010, at approximately 1:38 p.m., RODRIGUEZ stated that he was in Florida.

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experience, an ICE agent believes that during these calls, RODRIGUEZ told other individuals that he had detected law enforcement agents conducting surveillance of him.

On or about that same date, at approximately 2:56 p.m., RODRIGUEZ, using the TARGET CELLPHONE, received a call from UM-3. In this call, UM-3 stated, "I am going to call you from my other number." RODRIGUEZ responded, "Oh you know what I am going to have a new one later on . . . let's leave it like this until we see each other and then we can change. Based on his training and experience, an ICE agent believes that during this call, RODRIGUEZ told UM-3 that he was going to obtain another phone number and that he would provide that new number to UM-3 in person instead of over the phone.

Since a phone call on or about January 13, 2010, at 10:45 a.m., RODRIGUEZ used the TARGET CELLPHONE only sporadically, including by placing a telephone call on or about January 18, 2010 that appeared to be social in nature. Because it appears that RODRIGUEZ may recommence use of the TARGET CELLPHONE, agents are continuing to monitor the TARGET CELLPHONE.

#### Conclusion

The Government submits that the foregoing demonstrates that progress is being made toward the achievement of the authorized objectives of the interception order. Interception is revealing the manner in which the known co-conspirators are participating in the specified offenses and their places of operation.

The Government submits that continued interception of wire communications occurring over the TARGET CELLPHONE is necessary to assist in revealing: (i) the nature, extent and methods of operation of the narcotics-trafficking and money-laundering businesses of the TARGET SUBJECTS; (ii) the identities and roles of the TARGET SUBJECTS, their accomplices, aiders and abettors, co-conspirators, and participants in the illegal activities; (iii) the receipt and distribution of the contraband and money involved in those activities; (iv) the locations and items, including telecommunications devices used in furtherance of those activities; (v) the existence and locations of records; (vi) the location and source of resources used to finance their illegal activities; (vii) the location and disposition of the proceeds from those activities; and (viii) information about an additional telephone or telephones used by RODRIGUEZ.

Although interceptions to date appear to be useful in helping to determine this information, at present the objectives

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have not yet been fully achieved, particularly in light of fact that RODRIGUEZ appears to be "phasing out" the TARGET CELLPHONE but may use it to, for example, tell other TARGET SUBJECTS his new telephone number. As it appears likely that RODRIGUEZ will continue to engage in transactions involving money and/or narcotics, continued interceptions will be useful in furthering the objectives of the investigation.

Based upon the above, we expect to continue monitoring the TARGET CELLPHONE for the remainder of the thirty-day period authorized by the Court's January 7 Order. The Court will be duly advised concerning further interceptions and monitoring in subsequent periodic reports.

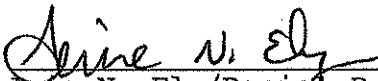
The Government respectfully requests that, with the exception of working copies for the Government, this letter be sealed, impounded and held in the custody of the United States Attorney's Office for the Southern District of New York until further Order of the Court.

For the Court's convenience, a sealing envelope is enclosed. Your Honor is requested to sign three copies of this report, place one copy in the sealed envelope and return both the sealed envelope and the additional copies to my attention.


Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

  
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RECEIVED AND REVIEWED:

  
HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

1/19/10 - 3:19 pm  
Date/Time

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Part I